ORDINANCE 29 - 2008

STORMWATER MANAGEMENT IN THE CITY OF COLUMBUS, INDIANA

ARTICLE I FINDINGS AND PURPOSE

A. Findings

The City Council of the City of Columbus finds that:

1. Excessive quantities of soil may erode from areas undergoing development for certain non-agricultural uses including but not limited to the construction of dwelling units, commercial buildings, and industrial plants, the building of roads and streets, and the creation of recreational facilities;
2. Sediment from soil erosion tends to clog sewers and ditches and to pollute and silt rivers, streams, ponds, lakes, and reservoirs;
3. Sediment limits the use of water and waterways for most beneficial purposes and has resulted in the deterioration of the water resources of the City of Columbus.
4. Sediment reduces the channel capacity of waterways, resulting in increased chances of flooding at risk to public health and safety.
5. Adopting the standards, criteria and procedures contained in this Ordinance and implementing the same will address many of the detrimental effects associated with land development;
6. Adopting these standards is necessary for the preservation of the soils and topography of City of Columbus as well as the public health, safety and welfare; and
7. The City of Columbus has the authority to adopt an Stormwater Management Ordinance pursuant to I.C. 36-1-3 and so that City of Columbus may comply with requirements of 327 IAC 15-13.
8. Land development projects and associated increases in impervious cover alter the hydrologic response of local watersheds and may increase stormwater runoff rates and volumes, flooding, stream channel erosion, and sediment transport and deposition. This stormwater runoff may contribute to increased quantities of water-borne pollutants. Stormwater runoff, soil erosion and non-point source pollution can be controlled and minimized through the regulation of stormwater runoff from development sites.
9. Therefore, the City Council established this set of water quality and quantity policies applicable to all surface waters to provide a reasonable guidance for the regulation of stormwater runoff to protect local water resources from degradation. It is determined that the regulation of stormwater runoff discharges from land development projects and other construction activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and non-point source pollution associated with stormwater runoff is in the public interest and will mitigate threats to public health and safety.

B. Purpose

The City Council of the City of Columbus hereby declares that the purpose of this Ordinance is to replace and supercede Ordinance 21-06 with a new ordinance. This new ordinance then will re-establish minimum erosion and sediment control requirements; establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public by guiding, regulating, and controlling the design, construction, use, and maintenance of any development or other land altering activity which disturbs or breaks the topsoil or otherwise results in the movement of earth within the defined boundaries of the City and as specified herein. This ordinance seeks to meet that purpose through the following objectives:

1. Manage stormwater runoff from any development in order to reduce flooding, siltation, increases in stream temperature, and stream bank erosion and maintain the integrity of stream channels;
2. Minimize non-point source pollution caused by stormwater runoff from development, which would otherwise degrade local water quality;
3. Manage the total volume of surface water runoff, which flows from any specific site during and following development to not exceed the pre-development hydrologic regime to the maximum extent practicable.
4. Reduce stormwater runoff rates and volumes, soil erosion and non-point source pollution, wherever possible, through stormwater management controls and ensure that these management controls are properly maintained and pose a minimal threat to public safety.
5. Adopt a Stormwater Design Manual as recommended by the City Engineer and adopted through the Board of Public Works for specific design considerations to perform above activities. Said manuals to be modified through the Board of Public Works as needed and recommended by the City Engineer.

ARTICLE II DEFINITIONS

For the purpose of this Ordinance, certain terms used herein shall be defined as set forth below:

AGRICULTURAL USE means land use consistent with raising of livestock, grain and/or vegetables. Excluded from this definition are the storage of grain for more than one concern, the production of agricultural related chemicals or the commercial slaughter and processing of livestock or meat.

APPLICANT means any person who seeks or is granted storm water management plan approval which is on behalf of and who is a representative of the owner of the project and/or the project site.

BMP means See STORM WATER BEST MANAGEMENT PRACTICES

BOARD OF PUBLIC WORKS & SAFETY (BPWS) means the City of Columbus, Indiana Board of Public Works and Safety

BUILDING means a structure having a roof, supported by columns or walls, for the shelter, support or enclosure of persons, property, or animals; either temporary or permanent, having and occupying more than 100 square feet of area.

BUILDING PERMIT means a permit issued by the Bartholomew County Department of Technical Code Enforcement for the construction, erection, or alteration of a structure or building.

CHANNEL means a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

CITY means City of Columbus, Indiana.

CERTIFY or CERTIFICATION means formally attesting that the specific inspections and tests required have been performed by a qualified professional, and that such tests comply with the applicable requirements of this Ordinance.

CONSTRUCTION ACTIVITY means land alteration associated with the construction of infrastructure and structures. This term does not include routine ditch, road maintenance, or landscaping projects disturbing less than one (1) acre.

CONSTRUCTION PLAN means a representation of a project site and all activities associated with the project. The plan includes the location of the project site, buildings and other infrastructure, grading activities, schedules for implementation, and other pertinent information related to the project site. A Storm Water Pollution Prevention Plan is a part of the construction plan.

DEVELOPED or DEVELOPMENT means a land alteration that requires, pursuant to state law or local Ordinance, the approval of a site plan, plat, special land use, planned unit development, rezoning of land, land division approval, private road approval or other approvals required for the construction of land or the erection of buildings or structures; provided, however, that for purposes of this Ordinance only, developed or development shall not include the actual construction of, or an addition, extension or modification to, an individual single-family or a two-family detached dwelling.

DEVELOPER means any individual, firm, association syndicate, partnership, corporation, trust or any other legal entity initiating land altering activity for himself or for another.

DEVELOPMENT SITE means any land that is being or has been developed, or that a developer proposes for development.

DRAINAGEWAY means the area within which surface water or ground water is carried from one part of a lot or property to another part of the lot or property or to adjacent land.

ENGINERING DEPARTMENT means the City Engineer of the City, a staff member of the Engineering Department for the City, or a designee of the City Engineer of the City.

EROSION means the transport of the land surface by the action of wind, water, gravity, or a combination thereof.

EROSION AND SEDIMENT CONTROL PLAN means a plan that is designed to minimize the erosion and sediment runoff caused by construction development activities at a site.

EROSIVE FLOW VELOCITIES means the velocity of storm water where a specific soil type loses its cohesion and becomes unstable thereby being transported by the storm water.

EXCAVATION means any act by which organic matter, earth, sand, gravel, rock, or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

FILL means any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved by man to a new location and shall include the conditions resulting therefrom.

GRADING means excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

IDEM means the Indiana Department of Environmental Management.

IMPERVIOUS COVER means those surfaces that rainfall cannot effectively infiltrate (for example, building rooftops, pavement, sidewalks, driveways, etc).

INDIANA STORMWATER QUALITY MANUAL means the state document used for guidance for means and methods of acceptable erosion and sediment control within the State of Indiana .

INFILTRATION means the process of percolating stormwater into the subsoil.

INFRASTRUCTURE means the roads, bridges, streets, curbs, sidewalks, sanitary and storm sewers, water mains, gas mains, electrical supply lines and communication lines which supply the structures of a development with transportation means and utilities.

JURISDICTIONAL WETLAND means an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophilic vegetation.

LAND ALTERATION means any action taken relative to land which either:

(a) Removes the natural ground cover; or
(b) Changes the existing elevation; or
(c) Increases the runoff rate; or
(d) Decreases the rate at which water is absorbed; or
(e) Changes the drainage pattern; or
(f) Creates or changes a drainage facility; or
(g) Involves construction, enlargement or location of any building on a permanent foundation; or
(h) Creates an impoundment.
(i) Land alteration includes (by way of example and not of limitation) terracing, grading, excavating, constructing earthwork, draining, installing drainage tile, filling and paving.

LAND OWNER means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT means a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of storm water management practices.

MAJOR AMENDMENT means a change in the project scope that will increase the disturbed area twenty percent (20%) or more or extend the construction limits as described in the original permit.

MAJOR SUBDIVISION means major subdivision as defined in the City of Columbus Subdivision Control Ordinance.

MINOR AMENDMENT means a change in the project scope that will increase the disturbed area less than 20% and will not extend the construction limits as described in the original permit.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) means the storm water conveyances (swales, creeks, streams, pipes etc.) through the City of Columbus and is more clearly defined in Indiana Administrative Code (IAC) 327 15-13.

NONPOINT SOURCE POLLUTION means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agriculture, silviculture, mining, construction, subsurface disposal and urban runoff sources.

NOTICE OF INTENT means a letter that contains the entire applicable Storm Water Pollution Prevention Plan, which meets the requirements of IAC 327 15-5-5 for the City of Columbus and the Indiana Stormwater Quality.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) means the law that is a further development of the Clean Water Act, (IAC 327 15).

NOTICE OF TERMINATION (NOT) letter means a written notification indicating that facility has met the conditions to terminate its permit coverage under rule (IAC 327 15-5 through IAC 327 15-13).

OFF-SITE FACILITY means a stormwater management measure located outside the subject property boundary described in the permit application for land development activity.

ON-SITE FACILITY means a stormwater management measure located within the subject property boundary described in the permit application for land development activity.

OWNER means the person(s) listed in the most recent official records of the township or county assessor.

PARCEL means a division of property in a single legal description.

PERSON means any individual, firm or corporation, public or private, the State of Indiana and its agencies or political subdivisions, and the United States of America, its agencies and instrumentalities, and the agent, servant, officer, or employee of any of the foregoing.

PROPERTY means all contiguous land under one (1) ownership.

RECHARGE means the replenishment of underground water reserves.

REMOVAL means the cutting to the ground, complete extraction, or killing by spraying of vegetation or stumps.

REDEVELOPMENT means any construction, alteration or improvement exceeding 1 acre in area where existing land use is high density commercial, industrial, institutional or multi-family residential.

REPRESENTATIVE means the authorized representative of the City Engineer assigned to make detailed observations of contract performances.

SEDIMENT means material, which settles to the bottom of a stream, lake, or along a drainageway.

SEDIMENTATION means the deposition or accumulation of sediment.

SITE means a property where land-altering activity is proposed or taking place.

SITE DEVELOPMENT means altering terrain and/or vegetation and constructing improvements.

SITE PLAN is an exhibit required to obtain a building permit from the Columbus/Bartholomew County Department of Code Enforcement, also know as a Construction Stake Out drawing or Proposed Plot Plan.

STORM WATER MANAGEMENT PLAN APPROVAL means documented confirmation by the City for the construction or alteration of ground improvements and structures for the control of erosion, runoff, and grading.

SITE PLAN REVIEW means a plan review conducted by the Columbus Bartholomew Planning Department required to obtain a zoning compliance certificate.

STORMWATER BEST MANAGEMENT PRACTICES (STORMWATER BMP's) means control measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

STORMWATER DESIGN MANUAL means the City of Columbus Stormwater Design Manual. (Steve will define area...)

STORMWATER POLLUTION PREVENTION PLAN (SWP3) or STORMWATER MANAGEMENT PLAN (SWMP) means a document, which describes the Best Management Practices and activities to be implemented, identifies sources of pollution or contamination at a site, and outlines actions to eliminate or reduce pollutant discharges to stormwater, an MS4, and/or receiving waters to the maximum extent practicable.

STORMWATER RUNOFF means flow on the surface of the ground, resulting from precipitation.

STRIP DEVELOPMENT means a commercial development in which multiple tenants occupy a single site or multiple sites managed by the same owner as a homogeneous development.

STRIPPING means any activity, which removes the vegetative surface cover including tree removal, clearing, and storage or removal of topsoil.

STRUCTURE means any construction that provides protection from weather for the human activities of work, storage, habitation, or recreation.

ULTRA-URBAN means metropolitan areas of the City where space for stormwater BMP implementation is limited.Ultra-urban areas are characterized by high densities of paved surfaces or buildings that result in a high degree of imperviousness. Buildings, parking facilities, urban streets, highways, or walkways cover a majority of the land area, with imperviousness typically greater than 50 percent in ultra-urban areas, and up to 100 percent in some cases. These

impervious surfaces can provide an effective environment to collect and accumulate constituents from atmospheric deposition, vehicular traffic, or other sources. Figure 1 illustrates these changes in runoff resulting from increased impervious area. High runoff conditions efficiently transport many water quality constituents. Several factors have been identified as major influences on the types of constituents and their concentrations in urban runoff. Among these are site-specific characteristics, such as land use practices. Ultra-urban areas typically contain higher population densities. These areas exhibit high levels of trash and debris, which tend to clog stormwater control structures and pollute receiving streams. In addition, the pets of the people living in ultra-urban areas are a potential concern since they deposit fecal matter in the urban environment. This fecal matter is washed off during storm events and contributes pathogenic bacteria to stormwater runoff.
WATER QUALITY VOLUME (WQ_v) means the storage needed to capture and treat the runoff from the first one-inch of rainfall.

UNIMPROVED LOT means a lot that has infrastructure brought close enough to its boundary that could allow structures to be built for human work, storage, habitation, or recreation and has not been improved with structures for human work, storage, habitation, or recreation.

WORK DAY means a calendar day, exclusive of Saturdays, Sundays, and City recognized holidays.

ARTICLE III APPLICABILITY AND GENERAL PRINCIPLES

This ordinance shall be applicable to major subdivisions; site plan reviews not part of a major subdivision with current storm water management plan approval; and building permits for sites disturbing more than one (1) acre that are not part of a major subdivision or site plan review with current storm water management plan approval.

When a site development plan is submitted that qualifies as a redevelopment project as defined in Article II of this ordinance, decisions on permitting and on-site stormwater shall be governed by special stormwater sizing criteria found in the stormwater design manual.

It is the objective of this Ordinance to control soil erosion and sedimentation caused by development activities within the City. Measures taken to control erosion and sedimentation as adopted by ARTICLE V of this Ordinance should be adequate to assure that sediment is not transported from the site by a storm event. The following principles shall apply to all development activities within the City's jurisdiction and to the preparation of the submissions required under ARTICLE IV of this Ordinance.

1. Development should be related to the existing topography and soils of the site so as to create the least potential for erosion. Areas of steep slopes where high cuts and fills may be required should be avoided wherever possible, and natural contours should be followed as closely as possible.
2. Natural vegetation should be retained and protected wherever possible. Areas immediately adjacent to natural watercourses should be left unaltered wherever possible.

3. The smallest practical area of land should be exposed for the shortest practical time during development.
4. Sediment basins, debris basins, desilting basins, or silt traps or filters should be installed and maintained to remove sediment from runoff waters from land altering activity or development.
5. The selection of erosion and sedimentation control measures should be based on assessment of the probable frequency of climatic and other events likely to contribute to erosion, and on evaluation of the risks, costs, and benefits involved.
6. In the design of erosion control facilities and practices, aesthetics and the requirements of continuing maintenance should be considered.
7. Provisions should be made to accommodate the increased runoff caused by changed soil and surface conditions during and after development. Drainageways should be designed so that their final gradients and the resultant velocities of discharge will not create additional erosion.
8. Permanent vegetation and structures should be installed as soon as practical during development.
9. Post construction measures should be considered for their ability to provide long-term reduction in associated pollutant loading of the waterways.

ARTICLE IV STORM WATER MANAGEMENT PLAN APPROVAL

A. Approval Required

Storm water management plan approval is required from the City Engineer's office for major subdivisions; site plan reviews not part of a major subdivision with current storm water management plan approval; building permits for sites disturbing more than one (1) acre that are not part of a major subdivision or site plan review with current storm water management plan approval.

1. The requirements under this Ordinance apply to all persons who:
    a. Do not obtain an individual NPDES permit under 327 IAC 15-2-6;
    b. Meet the general permit rule applicability requirements under 327 IAC 15-2-3; and
    c. Are involved in construction activity, except operations that result in the land alteration of less than one (1) acre of total land area as determined under subsection 5 and are not part of a larger common plan of development or sale.
2. For off-site construction activities, which are under the direct control of the applicant and provide services (i.e. road extensions, sewer, water, and other utilities) to a project site, these off-site activity areas must be considered a part of the project site.
3. For an individual lot where land alteration is expected to be one (1) acre or more and the lot lies within a project site approved under this Ordinance, the individual lot owner shall:
    a. Complete his/her own notice of intent letter (NOI); and

b. Ensure that a sufficient construction plan is completed and submitted in accordance with Section C of this ARTICLE.

4. For an individual lot where the land alteration is less than one (1) acre and the lot lies within a project site approved under this Ordinance, the individual lot operator shall:
   a. Comply with:
      i. The provisions and requirements of the storm water pollution prevention plan developed by the project site owner; and
      ii. 327 IAC 15-5-7.5.
   b. Not be required to submit a notice of intent letter and construction plans.
5. Multi-lot project sites are regulated by this Ordinance in accordance with the following:
   a. A determination of the area of land alteration shall be calculated by adding the total area of land alteration for improvements such as roads, utilities, or common areas, and the expected total alteration on each individual lot, as determined by the following:
      i. For a single-family residential project site where the lots are one-half (0.5) acre or more, one-half (0.5) acre of land alteration must be used as the expected lot alteration.
      ii. For a single-family residential project site where the lots are less than one-half (0.5) acre in size, the total lot must be calculated as being altered.
      iii. To calculate lot alteration on all other types of project sites, such as industrial and commercial project sites, the following apply:
         - Where lots are one (1) acre or greater in size, a minimum of one (1) acre of land alteration must be calculated as the expected lot alteration.
         - Where the lots are less than one (1) acre in size, the total lot must be calculated as being altered.
   b. For purposes of this Ordinance, strip developments:
      i. Are considered as one (1) project site; and
      ii. Must comply with this Ordinance;
      unless the total combined alteration on all individual lots is less than one (1) acre and is not part of a larger common plan of development or sale.
6. Submittal of a notice of intent and construction plans is not required for construction activities associated with a single-family residential dwelling altering less than one (1) acre when the dwelling is not part of a larger common plan of development or sale.

B. Application for Storm Water Management Plan Approval

The applicant has the following responsibilities:

1. Complete a sufficient notice of intent letter per 327 IAC 15-5-5 and 327 IAC 15-5-6.

2. Ensure that a sufficient construction plan is completed and submitted in accordance with 327 IAC 15-5-6 and 327 IAC 15-5-6.5
3. Ensure compliance with this Ordinance and 327 IAC 15-5 during:
    a. The construction activity; and
    b. Implementation of the construction plan.
4. Ensure that all persons engaging in construction activities on an approved project site comply with the applicable requirements of this Ordinance and the approved construction plan.
5. Notify the Engineering Department with a sufficient notice of termination (NOT) letter.
6. Complete a sufficient storm water management plan application.

C. Submissions

The NOI for the City and the Stormwater Pollution Prevention Plan are to be submitted to the City at:

City Hall
Office of the City Engineer
123 Washington Street
Columbus, Indiana 47201

D. Review and Approval

Each application for a storm water management plan shall be reviewed and acted upon according to the following procedures:

1. Construction plans shall be received by the Engineering Department for review by the Engineer or Engineer's Representative, and the review and inspection fees will be remanded to the Storm Sewer Operating account numbered 101019319. Upon preliminary review, the Engineering Department shall determine:
    a. That the submittal is complete and sufficient pursuant to ARTICLE V of this Ordinance and direct the specific review of the submittal; or
    b. That the submittal is deficient and lacks information pursuant to ARTICLE V of this Ordinance and therefore can not be adequately reviewed; at which time:
        i. The developer will receive written notice of those specific deficiencies of the submittal; and / or
        ii. Be invited to meet with the City or its qualified representative to discuss specific deficiencies of the submittal.
2. Construction plan review shall be carried out within the number of work days shown in Table 1. If there has been no notification or request for more information within that time, application shall be assumed complete and approved on the following workday.
3. Upon completion of a review, the applicant shall be notified in writing that the submitted construction plan:

a. Fulfills the requirements of this Ordinance and constitutes storm water management plan approval so long as a Notice of Intent is submitted to the Engineering Department and IDEM at least 48 hours prior to commencement of construction activities; or
b. Does not meet the requirements of this Ordinance and therefore does not warrant the issuance of a storm water management plan approval.

E. Appeals

The applicant, or any person or agency which receives notice of the filing of the application, may appeal the decision of the Engineering Department as provided in paragraph D (3) of this ARTICLE IV, to the Board of Public Works & Safety. Upon receipt of an appeal, the Board of Public Works and Safety shall schedule and hold a public hearing, after providing the applicant a minimum 15 days notice thereof. The Board of Public Works and Safety shall give such notice of such public hearing, as it deems necessary and appropriate. The Board of Public Works and Safety shall hear evidence at such hearing and render a decision within thirty (30) days after the hearing. Factors to be considered on review shall include, but need not be limited to, the effects of the proposed development activities on the surface water flow to tributary and downstream lands, any comprehensive watershed management plans, or the use of any retention facilities; possible situation of fill and unsupported cuts by water, both natural and domestic; runoff surface waters that produce erosion and silting of drainageways; nature and type of soil or rock which when disturbed by the proposed development activities may create earth movement and produce slopes that cannot be landscaped.

F. Retention of Plans

The City shall retain in original form, microfilm, or electronic copy plans and reports for all site developments.

G. Exceptions

Storm water management plan approval shall not be required for any of the following:

1. Development of a site of less than one (1) acre upon which no more than one (1) residential structure is to be built, or no more than one (1) commercial or industrial structure is to be built; provided that the person responsible for any such development shall implement necessary erosion and sedimentation control measures to satisfy the principles set forth in ARTICLE III of this Ordinance, and the City reserves the right to require such site development techniques as will insure satisfactory erosion and sedimentation control at such locations as determined by the City Engineer or his Representative;
2. Agricultural use of land, including the implementation of conservation measures included in a farm conservation plan approved by the Soil and Water Conservation District, and including the construction of agricultural structures;

3. Installation, renovation, or replacement of a sewer line, waterline, or septic system to serve an existing structure pursuant to the prior approval of the Columbus City Utilities or Bartholomew County Health Department.
4. Installation, renovation, or replacement of utility lines and appurtenances to serve an existing structure.
5. Major subdivisions with approved final plats, commercial or industrial development with zoning compliance certificates, and sites disturbing more than one (1) with building permits as of the effective date of this ordinance.

H. Additional Development Required to Comply

Even in those instances where storm water management plan approval is not required under ARTICLE IV, Section A of this Ordinance, no person shall commence or perform any grading, stripping, excavating, or filling by disturbing one (1) acre or more of land without complying with the applicable standards and requirements for control of soil erosion and sedimentation as contained in ARTICLE V of this Ordinance, as well as implement necessary erosion and sedimentation control measures to satisfy the general principles contained in ARTICLE III of this Ordinance.

H. Additions to Existing Development

Only the area disturbed by addition or expansion of an existing development must comply with the provisions of this ordinance. Existing development as of the effective date of this ordinance is not required to be modified to comply with this ordinance.

ARTICLE V OPERATION STANDARDS AND REQUIREMENTS

A. Applicability

All grading, stripping, excavating, and filling which is subject to the storm water management plan approval requirements of this Ordinance, and any grading, stripping, excavating, and filling falling under paragraph H of ARTICLE IV, shall be subject to the applicable standards and requirements set forth in this ARTICLE V.

B. Responsibility

The applicant shall not be relieved of responsibility for damage to persons or property otherwise imposed by law, and the City or the Engineer or Engineer's Representative will not be made liable for such damage, by (1) issuance of a storm water management plan approval under this Ordinance, (2) compliance with the provisions of that storm water management plan approval or with conditions attached to it by the City, (3) failure of the City officials to observe or recognize hazardous or unsightly conditions, (4) failure of City officials to recommend denial of or to deny a storm water management plan approval, or (5) exemptions from the storm water management plan approval requirements of this Ordinance.

C. Procedures and Standards Adopted by Reference

- 327 IAC 15-5-7 for general requirements on stormwater quality control
- 327 IAC 15-5-7.5 for general requirements of individual building lots within an approved project
- The *Indiana Storm Water Quality Manual.*

D. Inspection

1. The City Engineer or City Engineer's Representative may inspect any project site involved in construction activities regulated by this Ordinance at any time. The City or its designated representatives may make recommendations to the project site owner or their representative to install appropriate measures beyond those specified in the Storm Water Pollution Prevention Plan and Schedule to achieve compliance.
2. All persons engaging in construction activities on a project site shall be responsible for complying with the Storm Water Pollution Prevention Plan and the provisions of this Ordinance.
3. The City shall investigate potential violations of this Ordinance to determine which person may be responsible for the violation. The City shall, if appropriate, consider public records of ownership, building permits, and other relevant information, which may include site inspections, Storm Water Pollution Prevention Plans, notices of intent, and other information related to the specific facts and circumstances of the potential violation.
4. If the person occupying or owning the property does not properly maintain remaining stormwater quality measures, the City may pursue enforcement against that person for correction of deficiencies.
5. Construction plans and supporting documentation associated with the Storm Water Pollution Prevention Plan must be made available to the City or its designated representative within forty-eight (48) hours of such request.
6. Appeals to violations shall be as described in Article IV E.

E. Special Precautions

1. If at any stage of the grading of any development site the City determines by inspection that the nature of the site is such that further work authorized by an existing storm water management plan approval is likely to imperil any property, public way, watercourse or drainage structure, the City may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as is considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a registered soils engineer and/or engineering geologist which may be made requirements for further work.

2. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped as described in Article VI Section A and the applicant required to install temporary structures or take such other measures as may be required to protect adjoining property or, the public safety. On large developments or where unusual site conditions prevail, the City may specify the time of starting grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

F. Amendment of Plans

1. Amendments to the Storm Water Pollution Prevention Plan are required when:
    a. The disturbed area increases.
    b. The construction limits change to include areas outside of the original construction limits.
    c. The applicant wishes to modify the Storm Water Pollution Prevention Plan.
2. Major Amendments shall be processed and approved or disapproved in the same manner as the original plans.
3. Minor Amendments may be approved by written authorization to the applicant.

G. Project Termination

1. The project site applicant shall plan an orderly and timely termination of the construction activities, including the implementation of storm water quality measures that are to remain on the project site.
2. The project site applicant shall submit a notice of termination (NOT) letter to the Engineering Department in accordance with the following:
    a. Except as provided in subdivision b, the project site owner shall submit an NOT letter when the following conditions have been met:
        i. All land altering activities, including construction on all building lots, has been completed and the entire site has been stabilized.
        ii. All temporary erosion and sediment control measures have been removed.
    b. The project site applicant may submit an NOT letter to obtain early release from compliance with this Ordinance if the following conditions are met:
        i. The remaining, unimproved acreage does not exceed five (5) acres, with contiguous areas not to exceed one (1) acre.
        ii. A map of the project site, clearly identifying all remaining unimproved lots, is attached to the NOT letter. The map must be accompanied by a list of names and addresses of individual lot owners or individual lot operators of all unimproved lots.
        iii. All public and common improvements, including infrastructure, have been completed and permanently stabilized and all public improvements have been transferred to the City.

iv. The remaining acreage does not pose a significant threat to the integrity of the infrastructure, adjacent properties, or water quality.
v. All permanent storm water quality measures have been implemented and are operational.

3. The NOT letter must contain a verified statement that each of the conditions in Article V Section G Subsection 2 have been met.
4. Following acceptance of the NOT letter and written approval from the City for early release under subsection 2, the project site owner shall notify all current individual lot owners and all subsequent individual lot owners of the requirements to:
    a. Install and maintain appropriate measures to prevent sediment from leaving the individual building lot; and
    b. Maintain all erosion and sediment control measures that are to remain on-site as part of the construction plan.
5. The Engineer or Engineer's Representative may inspect the project site to evaluate the adequacy of the remaining storm water quality measures and compliance with the NOT letter requirements. If the inspecting entity finds that the applicant has sufficiently filed a NOT letter, the inspecting entity shall forward notification to IDEM, and the applicant shall no longer be responsible for compliance with this Ordinance.
6. After a verified NOT letter has been submitted for a project site, maintenance of the remaining storm water quality measures shall be the responsibility of the individual lot owner or occupier of the property.

H. Expiration of Storm Water Management Plan Approval

The expiration of a Storm Water Management Plan Approval shall be consistent with and engender the spirit of IC 36-7-4-1109. This may be may be overridden by the City Engineer or Planning Director if there is a declared emergency by either responsible party or an approved City Official. Source is IC 36-7-4-1109 Section 2.

I. Review of Individual Lots within A Permitted Project

For individual lots disturbing or impacting less than five (5) acres, developed within a larger permitted project, a formal review and issuance of an Individual Site Plan will be required before a building permit can be issued. All stormwater management measures necessary to comply with this Ordinance must be implemented in accordance with the approved Stormwater Management Plan.

In addition to other requirements of the Columbus/Bartholomew County Department of Technical Code Enforcement, the following information must be submitted to this department, for review and acceptance, by the individual lot operator, whether owning the property or acting as the agent of the property owner, as part of a request for review and issuance of an Individual Site Plan that must be obtained prior to the issuance of a building permit.

1. Erosion and sediment control plan that, at a minimum, includes the following measures:
    a. Installation and maintenance of a stable construction site access.
    b. Installation and maintenance of appropriate perimeter erosion and sediment control measures prior to land disturbance.
    c. Minimization of sediment discharge and tracking from the lot.
    d. Clean up of sediment that is either tracked or washed onto roads. Bulk clearing of sediment shall not include flushing the area with water. Cleared sediment must be redistributed or disposed of in a manner that is in compliance with all applicable statutes and rules.
    e. Adjacent lots disturbed by an individual lot operator must be repaired and stabilized with temporary or permanent surface stabilization.

2. Certification of Compliance stating that the individual lot plan is consistent with the stormwater management permit, as approved by the City Engineer for the larger project.

3. Name, address, and telephone number, of the individual in charge of the storm water management measures for the project site.

The individual lot operator is responsible for installation and maintenance of all erosion and sediment control measures until the site is stabilized.

ARTICLE VI ENFORCEMENT

A. Stop-Work Order; Revocation of Storm Water Management Plan Approval

In the event that any person holding storm water management plan approval pursuant to this Ordinance violates the terms of the approval or implements site development in such a manner as to materially and adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or development site or so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City may suspend or revoke the site development approval by issuing a Stop-Work Order. The Stop–Work Order shall be served upon any person engaged in the accomplishment of such construction activity. The construction activity so affected shall be stopped forthwith and until such future time as authorization to resume work is granted by the Engineering Department.

B. Violation and Penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill, or cause the same to be done, contrary to or in violation of any terms of this Ordinance. Occupancy certificates and building permits shall not be issued in a development in which the holder of the storm water management plan approval is found to be in violation of this ordinance. Any person, partnership or corporation found to be in violation of this ordinance may be fined $50.00 per day per offence. All fines collected will be remanded to the Storm Sewer Operating account numbered 101019319. In addition to any other penalty authorized by this section, if the board of public works and safety or the engineering department identifies violations of this ordinance, such board or department shall give a five-day written notice to the applicant to bring the site into compliance. The notice shall be served by registered mail addressed to the applicant. If the applicant shall fail to bring the site into compliance within the time prescribed, after receiving the notice, then the board of public works and safety shall proceed to bring the site into compliance. The clerk-treasurer shall make a certified statement of the actual cost incurred by the city to bring the site into compliance. The statement shall be delivered to the applicant by registered mail, and the applicant shall pay the amount due to the clerk-treasurer. If the applicant fails to pay the amount within ten days after receiving the statement, a certified copy of the statement of costs shall be filed in the office of the auditor of Bartholomew County. The auditor of Bartholomew County shall place the amount claimed on the tax duplicate against the property affected by the work and the amount shall be collected as taxes are collected and shall be disbursed to the clerk-treasurer who shall deposit the funds in the account from which the funds were expended.

C. Show Cause Hearing

At anytime, a Show Cause Hearing may be ordered if this protocol is unclear or inadequate to address specific violations.

ARTICLE VII COMPATIBILITY WITH OTHER PERMIT AND ORDINANCE REQUIREMENTS

This ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, stature, or other provision of law. The requirements of this ordinance should be considered minimum requirements, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall take precedence.

ARTICLE VIII SEVERABILITY

If the provisions of any article, section, subsection, paragraph, subdivision or clause of this ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision or clause of this ordinance.

ARTICLE IX DEVELOPMENT OF A STORMWATER DESIGN MANUAL

The Board of Public Works and Safety may furnish additional policy, criteria and information including specifications and standards, for the proper implementation of the requirements of this ordinance and may provide such information in the form of a Stormwater Design Manual. This manual will include a list of acceptable stormwater management practices, including the specific design criteria and, operation and maintenance requirements for each stormwater practice or control measure. The manual may be updated and expanded from time to time, at the discretion of the Board of Public Works and Safety, based on improvements in engineering, science, monitoring and local maintenance experience.

ARTICLE X GENERAL PERFORMANCE CRITERIA FOR STORMWATER MANAGEMENT

The following performance criteria shall be addressed for stormwater management at all sites:

a. All site designs shall establish stormwater BMP's to control the peak flow rate of stormwater discharge associated with specified design storms and reduce the generation of stormwater. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity.

b. Stormwater runoff generated from new developments shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment. Where such discharges are proposed, the impact on wetland functional values shall be assessed using a method in the Stormwater Design Manual.

c. For new developments, structural stormwater BMP's shall be designed to remove 80% of the average annual post development total suspended solids load (TSS) at the initial flows. It is presumed that a BMP complies with this performance standard if it is: Sized to capture the prescribed water quality volume (WQ_v), Designed according to the specific performance criteria outlined in the Stormwater Design Manaul, Constructed properly, and maintained adequately and regularly.

d. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the current stormwater design manual.

e. Stormwater discharges to critical areas with sensitive resources(Division of Nature Preserve check part B) (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria based on minimum state of Indiana water quality standards for the specific receiving water.

f.

g. The calculations for determining peak flows as found in the stormwater design manual shall be used for sizing all stormwater management practices.

ARTICLE XI BASIC STORMWATER MANAGEMENT DESIGN CRITERIA

A. Minimum Control Requirements

All stormwater management practices will be designed so that the specific storm frequency storage volumes (such as recharge, water quality, channel protection, 10 year, 100 year) as identified in the current stormwater design manual are met.

B. Site Design Feasibility

Stormwater BMP's for a site shall be chosen based on the physical conditions of the site. Among the factors that should be considered:

- Topography
- Maximum Drainage Area
- Depth to Water Table
- Soils
- Slopes
- Terrain
- Head
- Location in relation to environmentally sensitive features or ultra-urban areas

Applicants shall consult the Stormwater Design Manual for guidance on the factors that determine site design feasibility when selecting a stormwater management practice.

C. Conveyance Issues

All stormwater management practices shall be designed to allow for the maximum removal of pollutants and reduction in the volume and rate of discharge. This shall include, but not be limited to:

- Maximizing flow paths from inflow points to outflow points,
- Protection of inlet and outfall structures,
- Elimination of erosive flow velocities, and
- Providing underdrain systems, where applicable.

The Stormwater Design Manual shall provide detailed guidance on the requirements for conveyance for each of the approved stormwater management practices.

D. Pretreatment Requirements

- Every stormwater treatment practice shall have an acceptable form of water quality pretreatment; in accordance with the pretreatment requirements found in the stormwater design Stormwater Design Manual.

E. Treatment/Geometry Conditions

All stormwater management practices shall be designed to capture and treat stormwater runoff according to the specifications outlined in the Stormwater Design Manual. These specifications will designate the water quantity and quality treatment criteria that apply to an approved stormwater management practice.

F. Vegetation Plans Required

All stormwater management practices must have a plan detailing the type of vegetation to be planted in the practice area, how will it be maintained, and who will manage and maintain this vegetation. This plan must be prepared by a registered landscape architect

G. Maintenance Agreements

All stormwater management practices shall have an enforceable operation and maintenance agreement to ensure the system functions as designed. This agreement will include all maintenance easements required to access and inspect the stormwater management practices and access to perform routine maintenance as necessary to ensure proper functioning of the practice.

H. Non-Structural Stormwater Practices

The use of non-structural stormwater treatment practices is encouraged in order to minimize the reliance on structural practices. Credit can be earned, in the form of reductions, when non-structural management practices are utilized to reduce the stormwater runoff generated from the site because of the proposed construction activity. Non-structural practices are explained in detail in the current design manual and applicants wishing to obtain credit for use of non-structural practices must ensure that these management practices are documented, remain unaltered, and binding to subsequent property owners.

ARTICLE XII REQUIREMENTS FOR STORMWATER MANAGEMENT PLAN APPROVAL

A. Stormwater Management Plan Required for All Developments.

No application for development will be approved unless it includes a stormwater management plan detailing in concept how runoff and associated water quality impacts resulting from the development will be controlled or managed. A licensed Professional Engineer or a licensed Landscape Architect must prepare this plan. The plan must indicate whether stormwater will be managed on-site or off-site and, if on-site, the general location and type of management practices. The applicant must address any comments or issues raised by the City or State government in the final stormwater management plan. This final plan must be signed by a licensed Professional Engineer (PE), who will verify that the design of all stormwater management practices meet the requirements outlined in the stormwater design manual. No building, grading, or sediment control permits shall be issued until a satisfactory final stormwater management plan, or waivers thereof, have been approved by the Engineering Department.

B. Stormwater Management Concept Plan Requirements

A stormwater management concept plan shall be required with all permit applications and will include sufficient information (such as maps and/or hydrologic calculations) to evaluate the environmental characteristics of the project site. Other items that will be reviewed are the potential present and future impacts of the proposed development on the water resources affected by such development and the effectiveness of the proposed measures to manage the stormwater runoff from the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from the proposed development. To accomplish this goal the following information shall be included in the concept plan:

1. A map (or maps) indicating the location of existing and proposed buildings, roads, parking areas, utilities, structural stormwater management and sediment control facilities. The map(s) will also clearly show proposed land use with tabulation of the percentage of surface area for various uses; drainage patterns; locations of utilities, roads and easements; the limits of clearing and grading.
2. Sufficient engineering analysis to show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the specifications of the Stormwater Design Manual.

3. A written or graphic inventory of the waterways natural resources (i.e. rivers, streams, lakes) at the site and surrounding area as it exists prior to the commencement of the project, a description of the watershed and its relation to the project site. This description should include a discussion of soil conditions, forest cover, topography, wetlands, and other native vegetative areas on the site. Particular attention should be paid to environmentally sensitive features (i.e. fishery, wetlands) that provide particular opportunities or constraints for development.
4. A written description of the required maintenance for any proposed BMP.

For development or redevelopment occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of this Ordinance to the maximum extent practicable.

C. Final Stormwater Management Plan Requirements

After review of the stormwater management concept plan and modifications to that plan as deemed necessary by the Engineering Department, a final stormwater management plan must be submitted for approval. The final stormwater management plan, in addition to the information from the concept plan, shall include all of the information required in the stormwater design manual. This includes:

1. Contact Information - The name, address, and telephone number of all persons having a legal interest in the property and the tax reference number and parcel number of the property or properties affected.
2. Topographic Base Map - A 1 inch = 200 feet topographic base map of the site. The map must extend a minimum of 2,500 feet beyond the limits of the proposed development and indicate existing surface water drainage including streams, ponds, culverts, ditches, and wetlands; current land use including all existing structures; locations of utilities, roads, and easements; and significant natural and manmade features not otherwise shown.
3. Calculations - Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this ordinance. Calculations shall include:
    i. Description of the design storm frequency, intensity and duration,
    ii. Time of concentration,
    iii. Soil Curve Numbers or runoff coefficients,
    iv. Peak runoff rates and total runoff volumes for each watershed area,
    v. Infiltration rates, where applicable,
    vi. Culvert capacities,
    vii. Flow velocities,
    viii. Data on the increase in rate and volume of runoff for the design storms referenced in the Stormwater Design Manual, and
    ix. Documentation of sources for all computation methods and field test results.

4. Soils Information - If the proposed control measure depends on the hydrologic properties of soils (for example, infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles. The number and location of the required soil borings or soil sits shall be determined based on the information needed to determine the suitability and distribution of the soil types present at the location of the control measure.
5. BMP O & M manual Maintenance and Repair Plan - The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued functionality as included in both the design engineers plans and/or the manufactures recommendations. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan.
6. Landscaping plan - The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is adequately preserved. A registered landscape architect must prepare this plan.
7. Maintenance Easements - The applicant must ensure access to all stormwater management practices at the site for the purpose of inspection and repair by securing all the maintenance easements needed on a permanent basis. These easements shall be recorded with the plan and shall be listed on the deed or plat to the property.
8. Maintenance Agreement - The applicant must execute an easement and, an inspection and maintenance agreement binding on all subsequent owners of the land(s) served by an on-site stormwater management measure in accordance with the specifications of this ordinance.
9. Erosion and Sediment Control Plans for Construction of Stormwater Management Practices - The applicant must prepare an erosion and sediment control plan for all construction activities related to implementing any on-site stormwater management practices.

Is there anything here Steve needs to address.

ARTICLE XIII CONSTRUCTION INSPECTION

A. Notice of Construction Commencement

The applicant must notify the Engineering Department in advance before the commencement of construction in writing. (Note sample form letter).. The staff of the Engineering Department shall conduct regular inspections of the stormwater management system construction. All inspections shall be documented in written reports that contain the following information:

- The date and location of the inspection;
- Whether construction is in compliance with the approved stormwater management plan
- Variations from the approved construction specifications
- Any violations that exist

If any violations are found, the property owner shall be notified in writing of the nature of the violation and the required corrective actions. No added work shall proceed until any violations are corrected and all work previously completed has received approval by the Engineering Department.

B. As Built Plans

All applicants are required to submit "as built" plans for any stormwater management practices located on-site after final construction is completed. The plan must show the final design and specifications for all stormwater management facilities. These plans must be signed and sealed by a professional engineer. A final inspection by the Engineering Department is required before the release of any performance securities can occur.

C. Stabilization Requirements

Any area of land from which the natural vegetative cover has either been partially or wholly cleared or removed by development activities shall be re-vegetated within 10 days from the substantial completion of such clearing and construction. The following criteria shall apply to re-vegetation efforts:

- Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time when the cover crop is established over 90% of the seeded area.
- Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.
- Any area of re-vegetation must exhibit survival of a minimum of 75% of the cover crop throughout the year immediately following re-vegetation. Re-vegetation must be repeated in successive years until the minimum 75% survival for one year is achieved.

In addition to the above requirements, a plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan must explain how the site will be stabilized after construction, who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a registered landscape architect or by the soil conservation district, and must be approved prior to receiving a permit.

ARTICLE XIV MAINTENANCE AND REPAIR OF STORMWATER FACILITIES

A. Maintenance Easement

Prior to the issuance of any permit that has a stormwater management facility as one of the requirements of the permit, the applicant or owner of the site must execute or plat a maintenance easement agreement that shall be binding on all subsequent owners of land served by the stormwater management facility. The agreement shall provide for access to the facility at all times for inspection by the Engineering Department or their contractor or agent. The Engineering Department may also perform special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any other provisions established by this ordinance. The easement agreement shall be recorded as part of the record plat in the land records.(Provide standard note)

B. Maintenance Covenants

Maintenance of all stormwater management facilities or structural BMP' shall be ensured through the creation of a formal maintenance covenant that is recorded into the land record prior to final plan approval. As part of the covenant, a schedule shall be developed for when and how often maintenance will occur to ensure proper function of the stormwater management facility. The covenant shall also include plans for periodic inspections to ensure proper performance of the facility between scheduled cleanouts. .(Provide standard note)

C. Requirements for Maintenance Covenants

All stormwater management facilities must undergo, at the minimum, an annual inspection to document maintenance and repair needs, and to ensure compliance with the requirements of this ordinance and accomplishment of its purposes. These needs may include; removal of silt, litter and other debris from all catch basins, inlets and drainage pipes, grass cutting and vegetation removal, and necessary replacement of landscape vegetation. Any maintenance needs found must be addressed in a timely manner, as determined by the Engineering Department, and the inspection and maintenance requirement may be increased as deemed necessary to ensure proper functioning of the stormwater management facility.

D. Inspection of Stormwater Facilities or Structural BMP's

Inspection programs by the BMP owners may be established on any reasonable basis. These programs include but are not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher sources of sediment or other contaminants or pollutants. They may also include inspections of businesses or industries of a type associated with higher discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the NPDES stormwater permit. The City may also choose to perform joint spot inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other stormwater management practices.

E. Right-of-Entry for Inspection

When any new drainage control facility is installed on private property, or when any new connection is made between private property and a public drainage control system, sanitary sewer or combined sewer, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this ordinance is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this ordinance.

F. Records of Installation and Maintenance Activities

Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation and of all maintenance and repairs, and shall retain the records for at least 10 years. These records shall be made available to the Engineering Department during inspection of the facility and shall be submitted annually to the Engineering Department.

G. Failure to Maintain Practices

If a responsible party fails or refuses to meet the requirements of the maintenance covenant, the Engineering Department, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the City Engineer shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person(s) shall have 10 days to effect maintenance and repair of the facility in an approved manner. After proper notice, the Engineering Department may assess the owner(s) of the facility for the cost of repair work and any penalties; and the cost of the work shall be a lien on the property, or prorated against the beneficial users of the property.

ARTICLE XV STORM WATER MANAGEMENT PLAN APPROVAL FEES

A. Application and Inspection fees

1. The fees for the required approval shall be paid pursuant to the schedule set forth in the table below:

–TABLE 1–

EROSION AND SEDIMENT CONTROL PLAN REVIEW & INSPECTION FEES

		Work Days for Review
(UTILITIES)		
Per linear foot disturbed	.$0.25	5
Minimum fee	. $75.00	
(MAJOR SUBDIVISION)		
1acre to 5 acres	$ 75.00	5
More than 5 acres to 10 acres	$100.00	5
More than 10 acres to 25 acres	$150.00	10
More than 25 acres	$200.00	15
(SITE PLAN REVIEW)		
1acre to 5 acres	$75.00	5
More than 5 acres	$100.00	10
(BUILDING PERMIT – DISTURBING MORE THAN 1 ACRE)		
Single family residential on single lot	$50.00	5
All Others	$100.00	10
(MAJOR AMENDMENTS TO PLANS OR RENEWAL OF COVERAGE)		
All categories	$50.00	5

2. Application and inspection fees shall be deposited in the Storm Sewer Operating Account numbered 101019319.

ARTICLE VIII ADOPTION OF ORDINANCE

This Ordinance shall be in full force and effect July 1, 2008. All prior Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

PASSED AND ADOPTED this 17 day of June, 2008, by the following vote.

VOTE: Ayes - 6 Nays - 0

APPROVED: _____

FRED L. ARMSTRONG, MAYOR
CITY OF COLUMBUS, INDIANA

ATTEST:

Brenda Sullivan

BRENDA SULLIVAN, CLERK-TREASURER
CITY OF COLUMBUS, INDIANA